

Message Text

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CAPETOWN FOR EMBASSY

E.O. 11652: XGDS-1
TAGS: PDEV, UK, RH
SUBJECT: RHODESIA: BRITISH DRAFT ON CONSULTATIONS AND
AMPLIFIED PROPOSALS

BEGIN TEXT:
CHAPTER 1: THE CONSULTATIONS

1. DURING SEPTEMBER 1977 THE PARTIES MOST DIRECTLY CONCERNED IN RHODESIA MADE A NUMBER OF COMMENTS ON THE PROPOSALS, BOTH BY WAY OF PUBLIC STATEMENTS AND ALSO IN PRIVATE COMMUNICATIONS TO THE BRITISH GOVERNMENT. MR. IAN SMITH'S FIRST PUBLIC REACTION WAS TO DISMISS PARTS OF THE PROPOSALS OUT OF HAND. BUT ON 8 SEPTEMBER HIS OFFICIALS FORWARDED COMMENTS ON CERTAIN ASPECTS, AND
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BY THE END OF THE MONTH MR. SMITH HAD INDICATED WILLINGNESS TO TAKE PART IN TALKS WITH LORD CARVER AND THE UN SECRETARY-GENERAL'S REPRESENTATIVE AND TO INVITE THEM TO SALISBURY FOR THAT PURPOSE. IN A TELEVISION INTERVIEW RECORDED ON 23 SEPTEMBER, MR. SMITH HAD INDICATED HIS READINESS TO ACCEPT THE PRINCIPLE OF "ONE MAN, ONE VOTE" IN CERTAIN CIRCUMSTANCES. ON

1 OCTOBER, THE REGIME CONFIRMED THAT, ON 25 SEPTEMBER, MR. SMITH HAD PAID A VISIT TO LUSAKA WHERE HE AND MR. P. K. VAN DER BYL HAD HELD 6 HOURS OF TALKS WITH PRESIDENT KAUNDA AND ZAMBIAN MINISTERS.

2. IN THE MEANTIME, THE PATRIOTIC FRONT HAD FORWARDED TO THE BRITISH AND US GOVERNMENTS AND HAD PUBLISHED A WRITTEN COMMENT ON THE PROPOSALS AND THEIR SPOKESMEN HAD ISSUED VARIOUS STATEMENTS ABOUT THEM. THE PATRIOTIC FRONT MADE IT CLEAR THAT THEY HAD RESERVATIONS ABOUT CERTAIN ASPECTS OF THE PROPOSALS, BUT MR. JOSHUA NKOMO SPOKE TO THE SECURITY COUNCIL ON 28 SEPTEMBER IN GENERAL SUPPORT OF THE RESOLUTION WHICH WAS THEN BEFORE THE COUNCIL. BISHOP MUZOREWA OF THE UANC AND THE REVEREND NDABANINQI SITHOLE OF THE ANC (SITHOLE) BOTH EXPRESSED GENERAL WELCOME FOR THE PROPOSALS, WHILE RESERVING THEIR RIGHT TO RAISE PARTICULAR ISSUES. THE BRITISH GOVERNMENT ALSO RECEIVED COMMENTS FROM THE ZIMBABWE UNITED PEOPLE'S ORGANISATION (ZUPO) AND THE NATIONAL UNIFYING FORCE (NUF) AS WELL AS FROM A NUMBER OF PRIVATE BUSINESS AND PROFESSIONAL ORGANISATIONS.

3. THE LEADERS OF THE "FRONT LINE STATES," BOTSWANA, MOZAMBIQUE, TANZANIA AND ZAMBIA BUT NOT, ON THIS OCCASION, ANGOLA, MET TO CONSIDER THE PROPOSALS IN MAPUTO ON 22/23 SEPTEMBER. DESPITE CERTAIN UNSPECIFIED RESERVATIONS, THEY ANNOUNCED AFTER THEIR MEETING THAT

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THEY WERE READY TO SUPPORT THE STEP BRITAIN WAS PROPOSING TO TAKE IN THE SECURITY COUNCIL. AS ALREADY NOTED, THE REACTION OF OTHER GOVERNMENTS, ESPECIALLY IN AFRICA, THE COMMONWEALTH AND THE EEC, WAS GENERALLY ENCOURAGING.

4. AGAINST THIS BACKGROUND, LIEUTENANT-GENERAL PREM CHAND AND FIELD MARSHAL LORD CARVER MET IN LONDON ON 17 OCTOBER AND INVITATIONS TO THE PARTIES TO MEET THE SECRETARY-GENERAL'S REPRESENTATIVE AND THE RESIDENT COMMISSIONER (DESIGNATE) WERE ISSUED THAT WEEK. SINCE THE ROLES OF BOTH THE RESIDENT COMMISSIONER AND THE SECRETARY-GENERAL'S REPRESENTATIVE WOULD BE CONFINED TO THE TRANSITION PERIOD ENVISAGED IN THE PROPOSALS, THE DISCUSSIONS PROPOSED IN THESE INVITATIONS WERE ALSO TO BE CONFINED TO MATTERS RELATING TO THE TRANSITION, AND IN PARTICULAR THE MILITARY ARRANGEMENTS DURING IT AND THE CEASEFIRE WHICH WAS A CONDITION FOR ITS INAUGURATION, IN ACCORDANCE WITH SECURITY COUNCIL RESOLUTION NO. 415. FOR THE PURPOSE OF THESE DIS-

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CUSSIONS AND FOR PRACTICAL REASONS, THE BRITISH GOVERN-
MENT BELIEVED IT CONVENIENT TO DRAW A DISTINCTION
BETWEEN, ON THE ONE HAND, DISCUSSIONS RELATING TO
BRINGING THE FIGHTING TO AN END AND, ON THE OTHER,
THOSE RELATING TO THE RECONSTRUCTION OF THE ARMED
FORCES IN ACCORDANCE WITH CMND 6919, TO THE STATEMENT
OF 1 SEPTEMBER, AND TO THE ADMINISTRATION OF THE
COUNTRY DURING THE TRANSITION, WHILE FULLY RECOGNISING
THAT IN PRACTICE, AS WELL AS IN PRINCIPLE, AGREEMENT ON
A CEASEFIRE MUST BE PRECEDED BY AGREEMENT, AT LEAST IN
CLEAR AND FIRM OUTLINE, ON WHAT WAS TO COME AFTER IT.

5. THE BRITISH AND US GOVERNMENTS ALSO RECOGNISED THAT
FURTHER DISCUSSIONS WERE REQUIRED IN ORDER TO CLARIFY
AND ELABORATE THE PROPOSALS FOR THE INDEPENDENCE
CONSTITUTION SET OUT IN ANNEX A OF CMND 6919. IN
PARALLEL THEREFORE THEY PROPOSED THAT A SEPARATE TEAM
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OF OFFICIALS SHOULD MEET THE PARTIES FOR THIS PURPOSE, SO THAT WORK ON ALL THE INTER-RELATED PARTS OF THE PROPOSALS COULD BE CARRIED FORWARD TOGETHER AND WITH THE UTMOST DESPATCH SO THAT BEFORE ANY OF THE PARTIES COMMITTED THEMSELVES FINALLY TO THE WHOLE PACKAGE, THEY WOULD BE ABLE TO SEE THE NATURE OF EVERY PART OF IT.

6. THE RESIDENT COMMISSIONER (DESIGNATE) AND THE SECRETARY GENERAL'S REPRESENTATIVE MET THE LEADERS OF THE PATRIOTIC FRONT IN DAR ES SALAAM ON 31 OCTOBER. IT WAS AGREED THAT A FURTHER MEETING ATTENDED, IF POSSIBLE, ALSO BY A DELEGATION REPRESENTING THE REGIME, SHOULD BE HELD IN NOVEMBER AT A MUTUALLY CONVENIENT SITE TO DISCUSS MEASURES TO BRING THE FIGHTING TO AN END AS WELL AS ANY OTHER MATTERS RELATING TO THE TRANSITION PERIOD, SO THAT, SUBJECT TO FINAL AGREEMENT ON THE WIDER POLITICAL ISSUES, PRACTICAL AGREEMENTS COULD BE REACHED ON THE MILITARY QUESTIONS BETWEEN THOSE PRINCIPALLY RESPONSIBLE FOR FORCES IN THE FIELD. WHILE IN DAR ES SALAAM FIELD MARSHAL LORD CARVER AND LIEUTENANT GENERAL PREM CHAND WERE ALSO RECEIVED BY THE PRESIDENT OF TANZANIA AND BY THE MINISTER OF FOREIGN AFFAIRS, MR. MKAPA.

7. THE GROUP THEN MOVED TO SALISBURY, WHERE THEY MET DELEGATIONS REPRESENTING THE REGIME, THE UANC, THE ANC (SITHOLE) AND THE AFRICAN NATIONAL COUNCIL (ZIMBABWE) (ANC(Z)). ALTHOUGH SOME PROCESS WAS MADE IN EXPLAINING TO ALL THESE THE PROPOSALS FOR THE TRANSITION PERIOD MR. IAN SMITH FOR HIS PART NEVERTHELESS INDICATED THAT HE WAS NOT AT THAT STATE PREPARED TO PARTICIPATE IN THE MEETING WITH THE PATRIOTIC FRONT ENVISAGED IN THE PRECEDING PARAGRAPH; THAT IN HIS VIEW MORE PROGRESS SHOULD

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BE MADE IN CLARIFYING THE INDEPENDENCE CONSTITUTION; AND THAT IT WOULD BE DESIRABLE TO HOLD FIRST A ROUND TABLE CONFERENCE IN SALISBURY TO DISCUSS ALL THE ISSUES WITH HIMSELF, THE UANC, THE ZNC (SITHOLE) AND ZUPO. THIS PROPOSAL WAS UNACCEPTABLE TO THE BRITISH GOVERNMENT, SINCE IT WOULD HAVE EXCLUDED ONE OF THE PRINCIPAL PARTIES TO THE FIGHTING.

8. SEPARATE DISCUSSIONS ABOUT THE INDEPENDENCE CONSTITUTION (WHICH LASTED FROM 3 TO 9 NOVEMBER) WERE MEANWHILE BEING HELD IN PARALLEL WITH MR. SMITH'S ADMINISTRATION, THE UANC AND THE ANC (SITHOLE) AS WELL AS WITH ZUPO, THE NUF AND OTHERS. SOME PROGRESS WAS MADE TOWARDS NARROWING THE GAP BETWEEN THE VIEWPOINTS

OF THE VARIOUS PARTIES, ALTHOUGH MR. IAN SMITH SPECIFICALLY RESERVED HIS POSITION ON THE ARRANGEMENTS PROPOSED FOR THE REPRESENTATION OF THE MINORITY IN THE ASSEMBLY (PARAGRAPH 4(F) OF ANNEX A OF CMND 6919).

9. TO THE REGRET OF THE BRITISH AND UNITED STATES GOVERNMENTS, THE PATRIOTIC FRONT INDICATED THAT THEY WOULD NOT MEET THE TEAM CONCERNED WITH THE INDEPENDENCE CONSTITUTION, DISCUSSION OF WHICH THEY BELIEVED SHOULD BE LEFT OVER UNTIL AFTER THE TRANSFER OF POWER BY MR. SMITH. THIS POSITION, IF IT WERE TO BE SUSTAINED, WOULD EFFECTIVELY PREVENT FURTHER PROGRESS SINCE IT WAS AN ESSENTIAL PART OF THE BRITISH GOVERNMENT'S APPROACH, AS THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS MADE CLEAR TO ALL THE PARTIES IN THE COURSE OF HIS TOUR IN APRIL 1977, THAT THE CONSTITUTION OF THE INDEPENDENT ZIMBABWE SHOULD FIRST BE DEFINED AND THE ARRANGEMENTS FOR THE TRANSITION (WHICH COULD IN THOSE CIRCUMSTANCES BE SHORT) WORKED OUT BEFORE THE FIGHTING WAS BROUGHT TO AN END. IT WOULD BE UNREASONABLE TO

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EXPECT A TRANSFER OF POWER TO BE MADE BY THE REGIME BEFORE THE DETAILS OF WHAT WOULD SUCCEED IT WERE KNOWN AND AGREED.

10. AFTER COMPLETING THEIR WORK IN SALISBURY (WHERE THEY HAD BEEN FROM 2 TO 6 NOVEMBER) THE RESIDENT COMMISSIONER (DESIGNATE) AND THE SECRETARY-GENERAL'S REPRESENTATIVE VISITED GABORONE, LUSAKA AND LAGOS, WHERE THEY WERE RECEIVED BY THE RESPECTIVE HEADS OF STATE. A VISIT TO MAPUTO AT THAT TIME UNFORTUNATELY PROVED IMPOSSIBLE TO ARRANGE BECAUSE OF PRESIDENT MACHEL'S OTHER ENGAGEMENTS.

11. AS HAS BEEN NOTED IN PARAGRAPH 7 ABOVE, MR. SMITH DECLINED TO TAKE PART IN A MEETING WITH THE BRITISH GOVERNMENT AND THE PATRIOTIC FRONT. MR. NKOMO AND MR. MUGABE WERE INFORMED THAT, DESPITE THIS, LORD CARVER
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WOULD BE AVAILABLE TO SEE THEM FOR BILATERAL DISCUSSIONS IN MALTA; BUT THE PATRIOTIC FRONT DID NOT TAKE UP THE INVITATION.

12. ON 24 NOVEMBER, MR. SMITH ANNOUNCED THAT IN VIEW OF THE "FAILURE OF THE LATEST ANGLO/AMERICAN INITIATIVE," HE WAS PREPARED TO ENTER INTO NEGOTIATIONS WITH THE LEADERS OF THE BLACK POLITICAL PARTIES IN RHODESIA ON THE UNDERSTANDING THAT, IF CERTAIN REQUIREMENTS WERE MET, HE AND HIS COLLEAGUES WOULD ACCEPT "THE PRINCIPLE OF MAJORITY RULE BASED ON ADULT SUFFRAGE." THE FOREIGN AND COMMONWEALTH SECRETARY COMMENTED THAT "UNTIL WE KNOW IN MORE DETAIL WHAT HE (IE MR. SMITH) HAS IN MIND, IT IS DIFFICULT TO SAY WHETHER THESE TALKS CAN LEAD TO A SATISFACTORY SETTLEMENT." HE STRESSED THAT THE ANGLO/AMERICAN PROPOSALS REMAINED ON THE TABLE AND THAT THE TWO GOVERNMENTS INTENDED TO PRESS AHEAD ON THAT BASIS. TALKS BETWEEN MR. SMITH AND LEADERS OF THE UNAC, ANC (SITHOLE) AND ZUPO BEQAN ON 2 DECEMBER AND HAVE CONTINUED UP TO THE PRESENT.

13. THE BRITISH GOVERNMENT HAD IN THE MEANTIME RENEWED THEIR INVITATION TO THE LEADERS OF THE PATRIOTIC FRONT TO MEET AND HAD PROPOSED THAT THEY SHOULD COME TO LONDON FOR TALKS ON 13 DECEMBER. MR. NKOMO AND MR.

MABE DECLINED THIS INVITATION. THEY DID NOT HOWEVER CLOSE THE DOOR ON THE POSSIBILITY OF TALKS AT A LATER STAGE, AND REAFFIRMED THEIR COMMITMENT TO DEMOCRATIC ELECTIONS "IN THE CONTEXT OF TRANSITIONAL ARRANGEMENTS THAT GUARANTEE THE FREEDOM OF PARTICIPATION BY ALL DEMOCRATIC FORCES IN THE COUNTRY." LATER, AT A MEETING IN BEIRA ON 18 DECEMBER WHICH WAS ALSO ATTENDED BY MR. NKOMO AND MR. MUGABE, THE PRESIDENTS OF ANGOLA, CONFIDENTIAL

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MOZAMBIQUE, TANZANIA AND ZAMBIA REAFFIRMED THEIR COMMITMENT TO THE "POSITIVE ASPECTS" OF THE ANGLO/AMERICAN PROPOSALS. SHORTLY AFTER THIS MEETING, PRESIDENT MACHEL OF MOZAMBIQUE INVITED FIELD MARSHAL LORD CARVER, LIEUTENANT GENERAL PREM CHAND AND AMBASSADOR LOW OF THE UNITED STATES TO VISIT MAPUTO, WHICH THEY DID FROM 6-9 JANUARY 1978.

14. ON 22 DECEMBER THE BRITISH GOVERNMENT ISSUED A FURTHER INVITATION TO THE LEADERS OF THE PATRIOTIC FRONT TO MEET DR. OWEN AND AMBASSADOR YOUNG (US PERMANENT REPRESENTATIVE TO THE UN) IN LONDON, MALTA OR ELSEWHERE AT ANY TIME AFTER 18 JANUARY. DR. OWEN SUGGESTED THAT LORD CARVER AND LIEUTENANT GENERAL PREM CHAND SHOULD ALSO BE PRESENT. ON 19 JANUARY, MR. NKOMO AND MR. MUGABE SIGNIFIED THEIR ACCEPTANCE OF THIS INVITATION AND IT WAS AGREED THAT MEETINGS SHOULD BEGIN IN MALTA ON 30 JANUARY.

15. THROUGHOUT THE PERIOD SINCE 1 SEPTEMBER 1977, BRITISH AND KS OFFICIALS HAVE HAD MANY LESS FORMAL MEETINGS AT VARIOUS LEVELS WITH PRIVATE INDIVIDUALS AND REPRESENTATIVES OF VARIOUS TRENDS OF RHODESIAN OPINION. THESE CONTACTS HAVE ALSO HELPED TOWARDS AMPLIFYING AND REFINING THE PROPOSALS IN CMND 6919.

CHAPTER 2

THE AMPLIFIED PROPOSALS

1. THIS CHAPTER DEALS BRIEFLY WITH THE MAIN RESPECTS IN WHICH THE PROPOSALS PUT FORWARD IN CMND 6919 HAVE BEEN MODIFIED AS A RESULT OF THE CONSULTATION PROCESS

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DESCRIBED IN THE PRECEDING CHAPTER. REFERENCES ARE
MADE THROUGHOUT TO THE FOLLOWING ANNEXES TO THIS PAPER:

- A. SUPPLEMENTARY PROPOSALS FOR THE TRANSITIONAL PERIOD;
- B. THE CEASEFIRE;
- C. THE ZIMBABWE NATIONAL ARMY;
- D. DESCRIPTION OF THE INDEPENDENCE CONSTITUTION; AND
- E. THE UNITED NATIONS ZIMBABWE FORCE

THE TRANSITION PERIOD

2. DURING DISCUSSION WITH THE PARTIES, THE VIEW WAS
PUT FORWARD AT ONE STAGE THAT IT WOULD BE BETTER TO
ARRANGE FOR THE TRANSFER OF POWER TO BE MADE TO A
GOVERNMENT OF NATIONAL UNITY IN WHICH ALL THE PARTIES,
INCLUDING THE RHODESIA FRONT, WOULD BE REPRESENTED, A
PROPOSAL WHICH HAD CERTAIN SIMILARITIES TO THE BASIS
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FOR A SETTLEMENT WHICH HAD BEEN DISCUSSED AT GENEVA THE
PREVIOUS YEAR, AND THAT ELECTIONS SHOULD BE DELAYED
UNTIL SOME SPECIFIED TIME AFTER INDEPENDENCE. IT
WAS ARGUED THAT IT WOULD BE ESSENTIAL TO ASSOCIATE THE
PEOPLE OF ZIMBABWE IN THE ADMINISTRATION OF THE

TERRITORY DURING THE TRANSITION PERIOD. WHILE RECOGNISING THE FORCE OF THIS ARGUMENT, THE BRITISH AND US GOVERNMENTS BELIEVE THAT SUCH A PROPOSAL IS NO MORE NEGOTIABLE TODAY THAN IT WAS AT GENEVA AND IN THE SUBSEQUENT DISCUSSIONS A YEAR AGO: AND THAT BEFORE FULL INDEPENDENCE IS GRANTED TO ZIMBABWE, AN ELECTION MUST BE HELD TO ESTABLISH, THROUGH THE FREE AND FAIR EXPRESSION OF THE WILL OF THE PEOPLE, WHO IS TO BE THE HEAD OF STATE AND OF THE GOVERNMENT. THE HOLDING OF ELECTIONS BEFORE INDEPENDENCE ON THE BASIS OF UNIVERSAL ADULT SUFFRAGE LIES AT THE HEART OF THE PROPOSALS PUT FORWARD IN CMND 6919 AND TO DELAY THEM UNTIL A LATER DATE INVALIDATES THE WHOLE BASIS OF THE PROPOSALS. AND ALTHOUGH THE IDEAL OF A PRE-INDEPENDENCE GOVERNMENT OF NATIONAL UNITY HAS MUCH TO COMMEND IT IN PRINCIPLE, THE FAILURE OF THE GENEVA CONFERENCE IN NOVEMBER-DECEMBER 1976 TO PRODUCE AN AGREED FORMULA FOR SUCH AN INTERIM GOVERNMENT CLEARLY DEMONSTRATED THAT IT IS NOT AT PRESENT WITHIN THE BOUNDS OF PRACTICAL POSSIBILITIES. IT WAS FOR THIS REASON THAT ANNEX B TO CMND 6919 PROPOSED THAT RESPONSIBILITY FOR ALL EXECUTIVE AND LEGISLATIVE FUNCTIONS OF THE GOVERNMENT OF SOUTHERN RHODESIA SHOULD BE VESTED IN A BRITISH RESIDENT COMMISSIONER DURING A TRANSITIONAL PERIOD TO BE LIMITED TO A PERIOD OF NOT MORE THAN SIX MONTHS. THE BRITISH AND US GOVERNMENTS REMAIN OF THE VIEW THAT THIS IS THE ONLY WORKABLE BASIS FOR THE ADMINISTRATION OF RHODESIA BETWEEN THE TRANSFER OF POWER BY MR. SMITH AND

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INDEPENDENCE.

3. THE TWO GOVERNMENTS RECOGNISE NEVERTHELESS THAT IT WOULD BE RIGHT TO SEEK TO INVOLVE REPRESENTATIVES OF POLITICAL OPINION IN RHODESIA AS CLOSELY AS POSSIBLE IN THE PROCESS OF GOVERNMENT DURING THE PERIOD OF TRANSITION. WITH THIS CONSIDERATION IN MIND THE PROPOSAL IN PARAGRAPH 6 OF ANNEX B TO CMND 6919 THAT THE RESIDENT COMMISSIONER MIGHT BE ASSISTED BY ONE OR MORE ADVISORY COUNCILS HAS BEEN CONSIDERABLY ELABORATED. ANNEX A OF THE PRESENT PAPER DESCRIBES NEW PROPOSALS, WHICH DIFFER IN IMPORTANT RESPECTS FROM THOSE ORIGINALLY MADE. IN PARTICULAR THE TRANSITIONAL CONSTITUTION WILL ITSELF PROVIDE FOR THE ESTABLISHMENT OF A PRINCIPAL ADVISORY COUNCIL (NOW TO BE ENTITLED THE TRANSITIONAL COUNCIL) TO ASSIST THE RESIDENT COMMISSIONER IN THE FORMULATION OF POLICY AND IN THE EXERCISE OF HIS FUNCTIONS, IN PARTICULAR BY ENABLING HIM TO TAKE FULL ACCOUNT OF THE VIEWS OF THE PEOPLE, AND, THROUGH THEIR POLITICAL LEADERS AND PARTIES, TO

ASSOCIATE THEM WITH THE PROCESS OF GOVERNMENT. EACH MEMBER OF THE TRANSITIONAL COUNCIL WILL HAVE THE UN-RESTRICTED RIGHT OF ACCESS TO THE RESIDENT COMMISSIONER TO INFORM HIM OF ANY MATTER OR TO OFFER HIM ADVICE ON ANY QUESTION WHICH HE CONSIDERS RELEVANT TO THE EXERCISE OF THE COMMISSIONER'S POWERS. IN ADDITION IT WILL BE OPEN TO THE RESIDENT COMMISSIONER TO ESTABLISH COMMITTEES SUBORDINATE TO THE TRANSITIONAL COUNCIL AND REPORTING TO IT, WITH PARTICULAR SPHERES OF INTEREST AND RESPONSIBILITY. BESIDES PROVIDING SPECIALIST ADVICE TO THE TRANSITIONAL COUNCIL AND TO THE RESIDENT COMMISSIONER, THESE COUNCILS WILL ENABLE MEMBERS OF THE AFRICAN POLITICAL PARTIES TO ACQUIRE VALUABLE EXPERIENCE OF THE PROBLEMS OF THE COUNTRY IN

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ADVANCE OF INDEPENDENCE.

4. CONSULTATION WITH THE PARTIES SHOWED ALSO THAT THERE WAS SOME MISUNDERSTANDING OF THE INTENTIONS OF THE BRITISH GOVERNMENT CONCERNING THE EXERCISE OF THE RESIDENT COMMISSIONER'S POWERS AND OF THE LIMITS WITHIN WHICH HE SHOULD OPERATE. ANNEX A TO THIS PAPER SETS OUT THE PRINCIPLES WHICH IT IS PROPOSED HE SHOULD OBSERVE. IT ALSO MAKES CLEAR THAT IN MAKING APPOINTMENTS TO JUDICIAL AND OTHER IMPORTANT OFFICES, THE RESIDENT COMMISSIONER WILL DO SO ON A BASIS WHICH, WHILE MAINTAINING CONTINUITY, DOES NOT FETTER THE DISCRETION OF THE POST-INDEPENDENCE GOVERNMENT TO MAKE NEW APPOINTMENTS TO REFLECT THE NEW SITUATION.

5. THE CONSULTATIONS REVEALED PARTICULAR CONCERN AMONG NATIONALIST AFRICANS OVER THE TRANSITIONAL PROPOSALS
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FOR DEALING WITH DISCRIMINATORY LEGISLATION. IT IS THE BRITISH GOVERNMENT'S INTENTION, AND THE RESIDENT COMMISSIONER WILL BE SO INSTRUCTED, THAT ALL RACIAL DISCRIMINATION SHOULD BE BROUGHT TO AN END AT THE EARLIEST OPPORTUNITY. NEVERTHELESS, THE FACT HAS TO BE FACED THAT IN SOME INSTANCES IT MAY BE IMPOSSIBLE TO ABOLISH DISCRIMINATION AT THE STROKE OF A PEN, WITHOUT SERIOUS SOCIAL OR ECONOMIC DAMAGE; AND THAT IN SOME CASES THE DEVELOPMENT AND ENACTMENT OF REVISED ARRANGEMENTS AND LEGISLATION WILL BE MORE APPROPRIATELY LEFT TO THE INDEPENDENT GOVERNMENT THAN UNDERTAKEN BY THE RESIDENT COMMISSIONER. INDEED THE INDEPENDENT GOVERNMENT MAY THEMSELVES WISH TO TAKE TIME TO STUDY SOME OF THESE PROBLEMS BEFORE RUSHING INTO LEGISLATION. IT IS FOR THESE REASONS THAT IN THE DECLARATION OF RIGHTS TO BE CONTAINED BOTH IN THE TRANSITIONAL CONSTITUTION AND IN THE INDEPENDENCE CONSTITUTION, PROVISION WILL BE MADE TO PERMIT THE CONTINUATION OF SUCH DISCRIMINATORY LEGISLATION FOR A LIMITED PERIOD. THERE WILL BE NO REQUIREMENT THAT IT SHOULD BE SO CONTINUED, BUT IF THE GOVERNMENT OF THE DAY FINDS SOME DELAY UNAVOIDABLE, THESE PROVISIONS WILL PROTECT IT FOR THIS LIMITED PERIOD

THE CEASEFIRE

6. THE STATEMENT ON LAW AND ORDER ISSUED BY THE FOREIGN AND COMMONWEALTH SECRETARY ON 1 SEPTEMBER 1977 STIPULATED THAT IT MUST BE ACCEPTED BY THE PARTIES AND BY THE MILITARY COMMANDERS SUBORDINATE TO THEM THAT THE OBJECTIVE WAS A GENERAL CEASEFIRE WHICH WOULD TAKE EFFECT AT THE BEGINNING OF TRANSFER DAY, I.E. THE DAY WHEN THE RESIDENT COMMISSIONER ASSUMED OFFICE. ANNEX B

OF THIS PAPER MAKES DETAILED PROPOSALS FOR THE INITIATIO
AND MAINTENANCE OF SUCH A CEASEFIRE.
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THE ZIMBABWE NATIONAL ARMY (ZNA)

7. FINAL DECISIONS ON THE STRUCTURE AND COMPOSITION OF
THE ZIMBABWE NATIONAL ARMY (ZNA) CAN ONLY BE TAKEN BY
THE PRESIDENT-ELECT JUST BEFORE INDEPENDENCE. THE AIM
OF THE RESIDENT COMMISSIONER, HOWEVER, WILL BE TO
ENSURE THAT ON INDEPENDENCE DAY THERE WILL BE ONE
UNIFIED ZIMBABWE NATIONAL ARMY LOYAL TO THE ELECTED
GOVERNMENT AND THE PEOPLE OF ZIMBABWE. ANNEX C OF THIS
PAPER MAKES DETAILED PROPOSALS FOR THE ACHIEVEMENT OF
THIS AIM, WHICH WAS DECLARED IN DR. OWEN'S STATEMENT OF
1 SEPTEMBER. IN ACCORDANCE WITH THAT STATEMENT, THE
ZIMBABWE NATIONAL ARMY WILL BE BASED ON THE LIBERATION
FORCES BUT WILL INCLUDE ACCEPTABLE ELEMENTS OF THE
EXISTING RHODESIAN DEFENCE FORCES. ENROLMENT IN THE
ZIMBABWE NATIONAL ARMY WILL BE OPEN TO ALL CITIZENS,
WITHOUT DISCRIMINATION ON GROUNDS OF RACE OR COLOUR.
THERE WILL BE NO PURELY WHITE UNITS. THE ZNA WILL BE
DIVIDED INTO REGULAR AND RESERVE COMPONENTS; THE REGULAR
COMPONENT WILL BE OF A SIZE RELATED TO THE DEFENCE NEEDS
OF THE COUNTRY AND TO THE FINANCIAL BURDEN (A MANPOWER
CEILING OF 10,000 REGULAR PERSONNEL IS ENVISAGED).
THERE WILL BE NO COMPULSORY NATIONAL SERVICE. THE
REGULAR ARMY WILL CONSIST OF AT LEAST SEVEN INFANTRY
BATTALIONS, THE MAJORITY OF WHICH WILL BE FOUND FROM
THE LIBERATION FORCES, TOGETHER WITH THE NECESSARY
SUPPORT UNITS. THE RESERVE ARMY WILL CONSIST OF AN
ARMY RESERVE OF SOME 4,000 MEN, WHOSE ROLE WILL BE TO
BRING THE REGULAR ARMY TO WAR ESTABLISHMENT ON MOBILI-
SATION, AND A ZIMBABWE NATIONAL GUARD OF NOT MORE THAN
10,000 MEN, TO PROVIDE AN ADDITIONAL DEFENCE CAPABILITY.

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TO SECSTATE WASHDC IMMEDIATE 2389

INFO AMEMBASSY PRETORIA IMMEDIATE

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AMEMBASSY DAR ES SALAAM IMMEDIATE

AMEMBASSY MAPUTO IMMEDIATE

AMEMBASSY GABORONE IMMEDIATE

AMEMBASSY LAGOS IMMEDIATE

AMCONSUL CAPE TOWN IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

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EXDIS

8. THE RHODESIAN UNITS KNOWN AS THE SELOUS SCOUTS, GRAY'S SCOUTS AND SAS WILL BE DISBANDED AT AN EARLY DATE AFTER TRANSFER DAY.

THE INDEPENDENCE CONSTITUTION

9. AS A RESULT OF THE CONSULTATIONS THEY HAVE HAD WITH THE PARTIES AND IN ORDER TO MEET THE LEGITIMATE REQUEST THAT SOME AREAS OF DOUBT LEFT OPEN IN THE OUTLINE OF THE INDEPENDENCE CONSTITUTION IN ANNEX A OF CMND 6919 SHOULD BE CLARIFIED, THE BRITISH GOVERNMENT NOW PUT FORWARD A FULL DESCRIPTION OF THE INDEPENDENCE CONSTITUTION IN AMPLIFICATION OF THE PROPOSALS SET OUT IN ANNEX A TO CMND 6919. THIS IS AT ANNEX D. IN THEIR VIEW, IT REPRESENTS A FAIR, BALANCED, DEMOCRATIC AND WORKABLE CONSTITUTION WHICH, AS CMND 6919 PUT IT, WILL PROVIDE FOR ALL THE CITIZENS OF ZIMBABWE "SECURITY, CONFIDENTIAL

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BUT NOT PRIVILEGE, UNDER THE RULE OF LAW, EQUAL POLITICAL RIGHTS WITHOUT DISCRIMINATION AND THE RIGHT TO BE GOVERNED BY A GOVERNMENT OF THEIR OWN CHOICE." THE FULL DESCRIPTION SPEAKS FOR ITSELF, BUT SOME OF THE MORE IMPORTANT RESPECTS IN WHICH IT MODIFIES OR AMPLIFIES THE PROPOSALS IN CMND 6919 ARE SUMMARISED BELOW.

THE PRESIDENT

10. SECTION B OF ANNEX D BRINGS OUT MORE CLEARLY THAT THE ELECTION OF A PRESIDENT WILL PROCEED CONCURRENTLY WITH A GENERAL ELECTION OF THE NATIONAL ASSEMBLY AND

WILL BE AUTOMATICALLY LINKED WITH IT. EVERY CANDIDATE FOR THE NATIONAL ASSEMBLY WILL HAVE TO DECLARE WHICH OF THE NOMINATED PRESIDENTIAL CANDIDATES HE SUPPORTS AND, IF HE IS ELECTED, THIS WILL COUNT AS A VOTE FOR THE CANDIDATE HE HAS ENDORSED. IT IS ONLY IF NO CANDIDATE FOR THE PRESIDENCY RECEIVES AN ABSOLUTE MAJORITY BY THIS METHOD THAT THERE WILL BE RECOURSE TO A PROCESS OF ELECTION BY THE MEMBERS OF THE NATIONAL ASSEMBLY. THIS METHOD HAS BEEN PROPOSED IN PREFERENCE TO DIRECT ELECTION, SINCE IT ENSURES THAT THE MAN ELECTED AS PRESIDENT ENJOYS THE SUPPORT OF A MAJORITY IN THE ASSEMBLY, WHICH DIRECT ELECTION DOES NOT DO. SECTION B ALSO MAKES CLEAR THAT IT WILL BE POSSIBLE TO STAND AS A CANDIDATE FOR BOTH THE PRESIDENCY AND THE NATIONAL ASSEMBLY, BUT THAT A SUCCESSFUL CANDIDATE FOR THE PRESIDENCY WILL AUTOMATICALLY VACATE HIS PARLIAMENTARY SEAT.

THE INDEPENDENCE OF THE PUBLIC PROSECUTOR

11. ANNEX A TO CMND 6919 ENVISAGED THAT THE OFFICES OF
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ATTORNEY GENERAL (THE PRINCIPAL LEGAL ADVISER TO THE GOVERNMENT) AND OF DIRECTOR OF PUBLIC PROSECUTIONS WOULD BE SEPARATE AND WOULD BE HELD RESPECTIVELY BY A MINISTER AND BY AN OFFICER IN THE CIVIL SERVICE. IN THE EXERCISE OF HIS FUNCTIONS, THE DIRECTOR OF PUBLIC PROSECUTIONS WOULD NOT BE SUBJECT TO DIRECTION OR CONTROL BY ANY OTHER PERSON OR AUTHORITY.

THE UNDERLYING PRINCIPLE OF THIS PROPOSAL WAS ACCEPTED BY ALL, BUT IT WAS REPRESENTED BY THE REGIME THAT IT IMPORTED AN UNNECESSARY CHANGE FROM EXISTING RHODESIAN PRACTICE, WHICH HAD WORKED WELL AND WAS UNDERSTOOD, UNDER WHICH THE DIRECTOR OF PUBLIC PROSECUTIONS IS DIRECTLY RESPONSIBLE TO THE ATTORNEY-GENERAL, WHO IS A CIVIL SERVANT. OTHERS CONSULTED SAW NO OBJECTION TO RETAINING THE PRESENT SYSTEM, PROVIDED THE PRINCIPLE OF THE INDEPENDENCE OF THE AUTHORITIES RESPONSIBLE FOR PROSECUTIONS WAS OBSERVED. SECTION D OF ANNEX D THEREFORE PROVIDES FOR THE OFFICE OF ATTORNEY-GENERAL TO BE HELD BY A PUBLIC OFFICER (I.E. A CIVIL SERVANT) AND FOR THE ATTORNEY-GENERAL BOTH TO BE IMMUNE FROM THE DIRECTION OR CONTROL OF ANY OTHER PERSON IN THE EXERCISE OF ALL HIS POWERS RELATING TO CRIMINAL PROCEEDINGS AND TO BE PROTECTED FROM REMOVAL FROM OFFICE EXCEPT FOR PROVED MISCONDUCT OR INCAPACITY.

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EXDIS

COMPOSITION OF PARLIAMENT

12. IT WAS CLEAR THAT THE WEIGHT OF OPINION CONSULTED
WAS IN FAVOUR OF SETTING THE VOTING AGE FOR PARLIAMEN-
TARY ELECTIONS AT 18. THIS HAS BEEN DONE.

13. CMND 6919 DID NOT SPECIFY HOW THE SPECIALLY
ELECTED MEMBERS OF THE NATIONAL ASSEMBLY WERE TO BE
ELECTED, NOR DID IT MAKE CLEAR (THOUGH THIS HAD BEEN
BROUGHT OUT IN THE COURSE OF PREVIOUS CONSULTATIONS)
THAT THE BRITISH GOVERNMENT ENVISAGED THAT NOT MORE
THAN HALF THE SEATS FOR SPECIALLY ELECTED MEMBERS WOULD
BE ALLOCATED AS OF RIGHT TO EUROPEANS.

14. NO CONSENSUS EITHER AMONGST AFRICAN NATIONALISTS OR
BETWEEN THE NATIONALISTS AND MR SMITH'S ADMINISTRATION
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EMERGED IN THE COURSE OF CONSULTATION WITH THE PARTIES ABOUT SPECIALLY ELECTED MEMBERS (PROVISION FOR WHICH WAS MADE IN, FOR EXAMPLE, THE BOTSWANA AND KENYA INDEPENDENCE CONSTITUTIONS). HOWEVER, THOSE CONSULTATIONS HAVE LED THE BRITISH GOVERNMENT TO THE VIEW THAT THE PROPOSAL IN SECTION E OF ANNEX D STRIKE A FAIR BALANCE BETWEEN THE NEED TO ENSURE THAT THE SPECIAL REPRESENTATIVES OF THE EUROPEAN COMMUNITY ARE TRULY REPRESENTATIVE OF THAT COMMUNITY AND THE NEED TO ENSURE THAT THEY DO NOT EXERCISE A DETERMINATIVE ROLE IN THE NATIONAL ASSEMBLY WHICH COULD AFFECT THE POLITICAL OUTCOME RESULTING FROM THE APPLICATION OF UNIVERSAL ADULT SUFFRAGE. SECTION E NOW PROVIDES THAT THE SPECIALLY ELECTED MEMBERS WILL BE ELECTED BY THE ORDINARY ELECTED MEMBERS OF THE NATIONAL ASSEMBLY, HALF FROM A PANEL CONSISTING OF THE 50 EUROPEAN MEMBERS OF THE PRESENT HOUSE OF ASSEMBLY AND HALF FROM A PANEL OF 50 CANDIDATES NOMINATED BY THE PRESIDENT OF THE REPUBLIC. THE BRITISH GOVERNMENT BELIEVES THAT THIS PROPOSAL IS A REASONABLE COMPROMISE FOR ITS STRICTLY LIMITED PURPOSE AND DURATION, BUT IF THE PARTIES GENERALLY WERE TO REPRESENT THAT A SECOND ELECTORAL ROLL FOR THE ELECTION OF THE SPECIALLY ELECTED MEMBERS WERE PREFERRED FOR THE LIMITED PERIOD PROPOSED IN ANNEX B OF CMND 6919, THE BRITISH GOVERNMENT WOULD NOT OPPOSE IT. THE PUBLIC SERVICE

15. PARAGRAPH 7 (B) OF ANNEX A TO CMND 6919 PROPOSED THAT MEMBERS OF THE PUBLIC SERVICE COMMISSION SHOULD NOT BE (OR HAVE RECENTLY BEEN) PUBLIC OFFICERS OR ACTIVELY ENGAGED IN POLITICS. IN THE COURSE OF THE CONSULTATIONS IT WAS REPRESENTED THAT (AS AT PRESENT) PUBLIC OFFICERS SHOULD BE ELIGIBLE FOR APPOINTMENT TO THE PUBLIC SERVICE COMMISSION, SO AS NOT TO CLOSE OFF A SOURCE OF UP-TO-CONFIDENTIAL

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DATE EXPERTISE ON THE FUNCTIONING OF THE PUBLIC SERVICE. AT THE SAME TIME IT WAS ALSO REPRESENTED THAT IT WOULD BE UNDESIRABLE TO DISQUALIFY PERSONS WHO HAD PLAYED AN ACTIVE PART IN POLITICS DURING THE STRUGGLE FOR INDEPENDENCE. THE BRITISH GOVERNMENT RECOGNISE THE FORCE OF BOTH THESE REPRESENTATIONS. SECTION K ACCORDINGLY PROVIDES, FIRST, THAT PUBLIC OFFICERS WILL BE ELIGIBLE FOR APPOINTMENT TO THE PUBLIC SERVICE COMMISSION, WITH THE PROVISIO THAT ON APPOINTMENT THEY SHOULD AUTOMATICALLY RETIRE FROM THE PUBLIC SERVICE AND NOT BE ELIGIBLE FOR APPOINTMENT TO AN OFFICE WITHIN THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION FOR A PERIOD OF 3 YEARS AFTER THE END OF THEIR TENURE OF OFFICE WITH THE COMMISSION. SECONDLY IT PROVIDES THAT A PERSON WILL NOT BE DISQUA-

LIFIED FOR MEMBERSHIP OF THE PUBLIC SERVICE COMMISSION
MERELY BECAUSE HE HAS HELD OFFICE IN A POLITICAL PARTY
BEFORE INDEPENDENCE. THESE TWO CHANGES MEET THE
ESSENTIAL POINTS OF THE REPRESENTATIONS BUT MAINTAIN
SAFEGUARDS WHICH ARE IN ACCORDANCE WITH THE PRECEDENTS
OF OTHER INDEPENDENCE CONSTITUTIONS.

16. IN RESPONSE TO OTHER REPRESENTATIONS, SECTION K
PROVIDES FOR (BUT DOES NOT REQUIRE) THE ESTABLISHMENT OF
A SEPARATE TEACHING SERVICE COMMISSION TO GOVERN THE
APPOINTMENT, DISCIPLINE ETC OF TEACHERS IN GOVERNMENT
SERVICE.

CITIZENSHIP

17. CMND 6919 PROPOSED THAT DUAL CITIZENS (I.E. OF
ZIMBABWE AND SOME OTHER COUNTRY) SHOULD IN EFFECT BE
GIVEN A 5 YEAR GRACE PERIOD AFTER INDEPENDENCE IN WHICH
TO DECIDE BETWEEN ZIMBABWEAN AND THEIR OTHER CITIZEN-

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EXDIS

SHIPS. THIS STILL SEEMS TO THE BRITISH AND US GOVERN-
MENTS A REASONABLE COMPROMISE BETWEEN THE OBJECTION TO

DUAL CITIZENSHIP EXPRESSED BY SOME OF THOSE CONSULTED AND A REASONABLE PERIOD IN WHICH TO DECIDE THEIR FUTURE. WITH ONE EXCEPTION, THE PROVISION IN SECTION M THEREFORE FOLLOWS THE LINES INDICATED IN CMND 6919.

18. THE EXCEPTION RELATES TO THE PROPOSAL IN CMND 6919 THAT DUAL CITIZENS REACHING THE AGE OF 21 AFTER INDEPENDENCE SHOULD HAVE A 5 YEAR GRADE PERIOD IN WHICH TO CHOOSE BETWEEN THEIR CITIZENSHIPS. THIS SEEMS UNNECESSARILY LONG (IT WOULD MEAN, FOR EXAMPLE, THAT DUAL CITIZEN WHO WAS 16 AT INDEPENDENCE WOULD HAVE 10 YEARS IN WHICH TO MAKE HIS DECISION). SECTION M THEREFORE ALLOWS (SUBJECT TO THE OVERALL 5 YEARS GRACE PERIOD AFTER INDEPENDENCE) NOT MORE THAN TWO YEARS FOR A DUAL CITIZEN TO MAKE HIS CHOICE ONCE HE HAS ATTAINED THE AGE

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OF 21.

THE UNITED NATIONS ZIMBABWE FORCE (UNZF)

19. THE ESTABLISHMENT OF A UNITED NATIONS ZIMBABWE FORCE REMAINS CENTRAL TO THE PROPOSALS OF THE BRITISH AND UNITED STATES GOVERNMENT FOR A TRANSFER OF POWER IN RHODESIA. FOLLOWING THE ADOPTION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 415, THE SECRETARY GENERAL OF THE UNITED NATIONS ON 4 OCTOBER APPOINTED GENERAL PREM CHAND AS HIS REPRESENTATIVE "TO ENTER INTO DISCUSSIONS WITH THE BRITISH RESIDENT COMMISSIONER-DESIGNATE AND WITH ALL THE PARTIES CONCERNING THE MILITARY AND ASSOCIATED ARRANGEMENTS THAT ARE CONSIDERED NECESSARY TO EFFECT THE TRANSITION TO MAJORITY RULE IN SOUTHERN RHODESIA." THESE DISCUSSIONS HAVE NOT YET BEEN CARRIED TO A CONCLUSION, AND THE SECRETARY GENERAL HAS LAID NO FORMAL PROPOSAL BEFORE THE SECURITY COUNCIL FOR THE ESTABLISHMENT OF A UNZF. SUCH A STEP WOULD IN ANY CASE BE TAKEN ONLY IN THE CONTEXT OF PROPOSALS FOR AN OVERALL SETTLEMENT AGREED BY ALL THE PARTIES AND INCORPORATING ALL THE ELEMENTS IN PARAGRAPH 11 OF CMND 6919. THE OUTLINE OF THE UNZF'S TASKS, ORGANISATION AND MANDATE WHICH IS SET OUT IN ANNEX E IS NOT THEREFORE INTENDED TO ANTICIPATE ANY RELEVANT DECISIONS OF THE SECURITY COUNCIL BUT REPRESENTS THE ASSESSMENT WHICH THE BRITISH GOVERNMENT HAVE MADE UP ON THE BASIS OF STUDIES BY THE RESIDENT COMMISSIONER-DESIGNATE, OF THE PROBLEMS INVOLVED AND OF THE POSSIBLE MEANS OF DEALING WITH THEM.

THE ZIMBABWE DEVELOPMENT FUND

20. NO MODIFICATION IS PROPOSED AT PRESENT OF THE PRO-

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POSALS FOR A ZIMBABWE DEVELOPMENT FUND (ZDF) SET OUT IN ANNEX C OF CMND 6919. THESE PROPOSALS HAVE, HOWEVER, NOW BEEN DISCUSSED WITH REPRESENTATIVES OF THE WORLD BANK, AND THE PRESIDENT OF THE BANK HAS AGREED TO RECOMMEND TO HIS BOARD OF DIRECTORS THAT IT SHOULD MANAGE THE FUND'S RESOURCES AS ITS AGENT. ENCOURAGING RESPONSES HAVE BEEN RECEIVED FROM A NUMBER OF POTENTIAL DONORS, BUT IN THE ABSENCE OF PROGRESS TOWARDS THE IMPLEMENTATION OF THE PROPOSALS IN CMND 6919, NO FIRM COMMITMENTS, OTHER THAN THOSE BY THE BRITISH AND US GOVERNMENTS, HAVE BEEN MADE. INFORMAL CONSULTATIONS SHOW THAT THERE IS WIDE SCOPE FOR THE EARLY IMPLEMENTATION OF SCHEMES DESIGNED TO BRING INTO AGRICULTURAL PRODUCTION LARGE AREAS OF HITHERTO UNDEVELOPED OR UNDER-UTILISED LAND AND THAT CAREFUL STUDIES FOR THESE AND OTHER SCHEMES EXIST; BUT IT MUST BE EMPHASISED THAT THE COMMITMENT OF FUNDS FROM THE ZIMBABWE DEVELOPMENT FUND TO THESE OR ANY OTHER PROJECTS WOULD BE A MATTER FOR AGREEMENT BETWEEN THE GOVERNMENT OF ZIMBABWE AND THE FUND'S MANAGEMENT. END TEXT

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